

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5754 of 2021

1. Brijlal Yadav S/o Mangaru Yadav, Aged About 29 Years, R/o Shivpur, Police Station Rajpur, District Balrampur- Ramanujganj (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through The Station House Officer, Police Of Police Station Rajpur, District Balrampur- Ramanujganj (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Nasimuddin Ansari, Advocate.
For Non-Applicant/State	:	Mr. Anand Verma, Dy. Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya
Order on Board

27/09/2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in custody since 17/04/2021 in connection with Crime No. 78/2021, registered at Police Station Rajpur, District Balrampur- Ramanujganj (C.G.) for the offence punishable under Section 302 of Indian Penal Code.
- 2) As per the prosecution case, on 26/03/2021 Saguni Prajapati alongwith one Dashrath Yadav was going on motorcycle. At that time the present applicant was also going behind them on motorcycle speedily. As the deceased Saguni Prajapati turned his motorcycle towards right side, the present applicant, who was going from behind on motorcycle, lost control over vehicle and fell on the road. Being enraged, the applicant picked up a broken piece of wood (wooden log) and assaulted with it on the head of Saguni Prajapati and thereby caused his death. On report being lodged to the above effect, offence has been

registered against the present applicant.

- 3) Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in this case. He submits that the incident took place on 26/03/2021 whereas the deceased died on 01/04/2021 and as such the offence under Section 302 of Indian Penal Code would not be attracted in this case. In fact the deceased himself fell down from the motorcycle and sustained injuries. He submits that the applicant is in jail since 17/04/2021, charge sheet has been filed and conclusion of the trial is likely to take some time. Therefore, the present applicant be released on bail.
- 4) On the other hand, learned counsel for the State opposes the bail application.
- 5) I have heard the learned counsel appearing for the parties.
- 6) Considering the facts and circumstances of the case, in particular the eye witnesses account in this case, the injuries found on the body of the deceased including the head injury which proved to be his cause of death and other material available in the case dairy, without commenting anything on merits of the case, this Court is not inclined to release the applicant on bail. Accordingly, the application is **rejected**.

-Sd/-
(Gautam Chourdiya)
Judge

Chandrakant